

BARBARA ROWELL
Claimant

TERRACE GARDENS RETIREMENT CENTER
Respondent

TRAVELERS INDEMNITY OF ILLINOIS
Insurance Carrier

Claimant alleges accidental injury arising out of and in the course of her employment beginning the night of October 22, 1997. Respondent contends claimant did not prove accidental injury as it relates to her employment because claimant's symptoms first began in the night at home. Respondent further contests claimant's allegations of a work-related accident as claimant initially advised Dr. Michael Souter that her problem began in the night. However, Dr. Souter's October 27, 1997, office note indicates that claimant's chronic lifting and activities as an "MA" may be contributing to this. As the office note of that date indicates, the doctor contacted respondent in order to obtain permission to provide physical therapy.

In addition, the March 23, 1998, report from Dr. Michael P. Estivo indicates that claimant's wrist pain and carpal tunnel syndrome were caused by her work activities. These medical opinions are uncontradicted and do support claimant's contentions that her condition continued to worsen as she performed her work activities for respondent.

The Appeals Board, therefore, finds claimant's injuries did arise out of and in the course of her employment with the respondent and the Order of the Administrative Law Judge should be affirmed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge John D. Clark dated March 24, 1998, should be and is hereby affirmed.

IT IS SO ORDERED.

Dated this ____ day of May 1998.

BOARD MEMBER

c: Brian D. Pistotnik, Wichita, Kansas
William L. Townsley, III, Wichita, Kansas
John D. Clark, Administrative Law Judge
Philip S. Harness, Director